

October 27, 2014

The regular monthly meeting of the ZONING BOARD of APPEALS of the TOWN of CAMBRIA was called to order by Michael Sieczkowski, Chairman, at 8:00 P.M. He welcomed everyone to the meeting followed by the Pledge to the Flag and then announced the agenda for this evening.

Members present: Michael Sieczkowski, Chairman
Thomas Andrews, Craig Powley, Donald Robinson, Peter Smith
Also present: Alan Johnson, alternate
Matthew Foe, Councilman
Randy Roberts, Councilman and liaison to Town Board
James McCann, Building Inspector
Gary Billingsley, Attorney

Minutes of meeting: Secretary mentioned that there were changes in the Planning Board minutes of September 15, 2014 and a Corrected page No. 2 was sent to board members. Also, Mr. Foe was present at the September 22 meeting, but not liaison to the Town Board.

A motion was made by Mr. Robinson and seconded by Mr. Smith to approve minutes of meeting of September 22 as corrected. Unanimously approved, motion carried.

SPECIAL PERMIT RENEWAL (current)

09-29-08B Mr. and Mrs. **Robert Sullivan**, 4454 Baer Road, Ransomville, N.Y.
14131 Renewal of Special Permit for a private kennel

Mr. and Mrs. Sullivan were present at this meeting. Mr. Sullivan said they presently have four dogs. He said they have had no complaints on the dogs.

Building Inspector said he has received no complaints on the dogs.
Board members and Attorney had no concerns.

A motion was made by Mr. Smith and seconded by Mr. Robinson to **renew** Special Permit to Mr. and Mrs. Sullivan for a private kennel to house 4 dogs for a period of five (5) years. Unanimously approved, motion carried.

1999-01 (12-28-98) **Timothy Swift**, 4075 Lower River Road, Youngstown, N.Y.
14174
Special Permit to use a former residence for business office at
4314 Church Road, and
Renewal of Variance for mobile home for residence at 4312
Church Road

There was no one present at this time on behalf of Mr. Swift.

A motion was made by Mr. Smith and seconded by Mr. Robinson to move action on renewals of Mr. Swift until end of the meeting and see if someone appears on behalf of these renewals. Unanimously approved, motion carried.

SPECIAL PERMIT RENEWAL (tabled from Sept. 2014)

2002-11 (08-28-02) Kathrin Caccamise, 4931 Ridge Road, Lockport, N.Y. 14094
Special Permit for grooming of dogs and cats

Mrs. Caccamise was not present at this time.

A motion was made by Mr. Robinson and seconded by Mr. Smith to table renewal of Mrs. Caccamise for grooming of dogs and cats until end of this meeting and see if someone appears on her behalf. Unanimously approved, motion carried.

OLD BUSINESS:

(07-21-14) Joseph Snyder, 4130 Cambria-Lockport Townline Road, Lockport, N.Y. 14094, was present at this meeting.

A Public Hearing was held in September 2014 for a Use Variance to permit Mr. and Mrs. Snyder to conduct a Landscaping and Porta Pot business from their premises in an Agricultural-Residential district which is not permitted in the A-R district. Decision was tabled at that meeting because business would be within 500 feet boundary of another town and application must be sent to the Niagara County Planning Board for its review.

The Niagara County Planning Board met on October 20th and reviewed the application of Mr. and Mrs. Snyder. A copy of that board's recommendation was read by Mr. Sieczkowski as follows "The NCPB recommended denial as this does not meet the four (4) criteria for a Use Variance".

Zoning Board members reviewed the new Environmental Assessment Form.

Counsel said, per information provided by the applicants, SEQR finding might be that "no or small impact will occur based on information provided by the applicants". He said at this time the board could make a negative declaration.

A motion was made by Mr. Robinson and seconded by Mr. Smith for **negative declaration under SEQR** be made finding that "no or small impact is found based upon

information provided by the applicants. New York State D.E.C.s recommendation. Unanimously approved, motion carried.

A motion was made by Mr. Robinson and seconded by Mr. Smith to **approve** application of Mr. and Mrs. Joseph Snyder for a Use Variance to permit applicants to operate a Landscaping and Porto Pot business from 4130 Cambria-Lockport Townline Road, Lockport 14094 in an A-R district.

There were several neighbors of Mr. and Mrs. Snyder present this evening who wished to speak, but as Counsel explained, the Public Hearing was closed at the September meeting and no further comments from the public were permitted.

The County Planning Board stated in its recommendation, applicants did not meet the four (4) criteria on the application and that Use Variance for a Landscaping and Porto Pot business from 4130 Cambria-Lockport Townline Road, should be denied.

As not all board members approved the request for a Use Variance, Secretary was requested to poll the board:

Mr. Robinson -	Approve the application for a Use Variance				
Mr. Andrews -	Disapprove	õ	õ	õ	õ
Mr. Powley -	Disapprove	õ	õ	õ	õ
Mr. Smith -	Disapprove	õ	õ	õ	õ
Mr. Sieczkowski -	Disapprove	õ	õ	õ	õ

Results ó 1 Approve and 4 Disapprove. Request for Use Variance is denied to to Mr. and Mrs. Joseph Snyder.

Old Business:

(06-27-14) Owner - **Lawrence Ryndak**
Applicant - **Michael Schweitzer**

Mr. Schweitzer was present at this meeting regarding the proposed winery on Lower Mountain Road west of Eveningside Winery.

No additional information has been submitted to the board from applicant as requested, such as plan for off-street parking, driveway and what are the correct dimensions of the subject property?

Mr. Biehl asked about the time frame when the board will take action on the proposed winery?

Chairman said it depends on when the new information is received? The next regular Zoning Board meeting will be Monday, November 24th.

New Business – none

Chairman ó New Short Environmental Assessment Form was discussed.
Agricultural and Residential - primary use of the land

Special Permit Renewal (tabled from September 2014 and the beginning of this meeting)

2002-11 (08-28-02) Kathrin Caccamise, 4931 Ridge Road, Lockport, N.Y. 14094
Renewal of Special Permit for grooming of dogs and cats

Mrs. Caccamise was present at this time and said she would like the Special Permit renewed. She said she has had no problems, and would like renewal for another five years.

Building Inspector said he has had no complaints on this business.
Board members and Attorney no concerns.

A motion was made by Mr. Robinson and seconded by Mr. Smith to extend Special Permit to Kathrin Caccamise to operate a dog and cat grooming business for a period of five (5) years retroactive to September 2014. Unanimously approved, motion carried.

REPORTS:

No reports from Building Inspector, Attorney, Board members or Mr. Roberts.

Renewal: No one appeared for renewal of Special Permit and Variance for Mr. Swift.

A motion was made by Mr. Powley and seconded by Mr. Robinson to **table** action on renewals of Mr. Swift for one month and Secretary to write a second letter to him. Unanimously approved, motion carried.

Next regular meeting will be Monday, November 24th at 8:00 P.M.

A motion was made by Mr. Smith to adjourn at 8:40 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved: _____